

## Message Text

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PAGE 01 MEXICO 02845 162114Z  
ACTION H-02

INFO OCT-01 ARA-14 ISO-00 SCS-06 L-03 /026 W  
-----052238 171319Z /50

R 162101Z FEB 78  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 8357

UNCLAS MEXICO 02845

E. O. 11652: N/A  
TAGS: CASC (TOMASIK, THEODORE)  
SUBJECT: THEODORE TOMASIK

REF: LETTER FROM CONGRESSMAN KEMP DATED JANUARY 30, 1978.

H PASS THE HONORABLE JACK KEMP, 1101 FEDERAL BUILDING, 111  
WEST HURON STREET, BUFFALO, NEW YORK 14202, FROM HERBERT B.  
THOMPSON, CHARGE D'AFFAIRES AD INTERIM.

THANK YOU FOR YOUR LETTER OF JANUARY 30, ON BEHALF OF YOUR  
CONSTITUENT MR. THEODORE TOMASIK, 91 SMITH DRIVE, LACKAWANNA,  
NEW YORK 14218. MR. AND MRS. TOMASIK WERE THE VICTIMS OF  
AN AUTO ACCIDENT DURING A VISIT TO ACAPULCO IN NOVEMBER  
1976, AND MR. TOMASIK HAS HAD DIFFICULTY IN ESTABLISHING A  
CLAIM FOR DAMAGES. SENATOR JAVITS HAS WRITTEN TO US CON-  
CERNING MR. TOMASIK AND WE REPLIED ON JANUARY 20, 1978.  
MR. TOMASIK HAS ALSO WRITTEN US DIRECTLY, AND WE REPLIED TO  
HIM ON JANUARY 4, 1978.

THE LETTER MR. TOMASIK SENT TO YOU IS A COPY OF HIS LETTER  
OF DECEMBER 6, 1977 TO THE EMBASSY. THAT LETTER, RECEIVED  
DECEMBER 15, 1977, WAS THE FIRST COMMUNICATION OF ANY KIND  
RECEIVED BY THE EMBASSY FROM MR. TOMASIK IN THIS MATTER.  
OUR REPLY OF JANUARY 4 STATED IN PART THAT "IT IS NOT CLEAR  
FROM YOUR LETTER OR THE DOCUMENTS WHICH ACCOMPANIED IT THAT  
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YOU HAVE IN FACT MADE OR ESTABLISHED A CLAIM FOR DAMAGES.  
FILING AN ACCIDENT REPORT WITH THE POLICE DOES NOT IN IT-  
SELF ESTABLISH A CLAIM. TO HAVE ANY EFFECT, A CLAIM FOR  
DAMAGES MUST BE LODGED WITH THE PERSON OR ENTITY AGAINST  
WHOM IT IS DIRECTED, AND MUST STATE WHAT OR HOW MUCH IS  
BEING CLAIMED AND FOR WHAT REASON. UNLESS THAT PERSON OR  
ENTITY VOLUNTARILY ACKNOWLEDGES RESPONSIBILITY, IT IS

ALMOST ALWAYS NECESSARY TO PURSUE THE CLAIM THROUGH AN ATTORNEY." IN THE EVENT THAT HE HAD NOT ALREADY OBTAINED LEGAL COUNSEL, A LIST OF ATTORNEYS ACCOMPANIED THE EMBASSY'S REPLY.

THE COMMUNICATION FROM SENATOR JAVITS ENCLOSED A LETTER TO HIM FROM MR. TOMASIK WHICH INDICATED THAT HE HAD ALREADY ATTEMPTED TO OBTAIN THE SERVICES OF AN ATTORNEY BUT WAS UNABLE TO FIND ONE WHO WOULD TAKE HIS CASE. WE ADVISED SENATOR JAVITS THIS APPEARS TO BE A STRONG INDICATION THAT THE ATTORNEYS MR. TOMASIK CONSULTED BELIEVED EITHER THAT HE HAD LITTLE OR NO CHANCE OF WINNING A SUIT, OR THAT IF HE SHOULD WIN, THE AMOUNT HE MIGHT COLLECT WOULD BE VERY SMALL.

THE POLICE AT ACAPULCO HAVE NOT BEEN ABLE TO LOCATE THE VEHICLE INVOLVED IN THE ACCIDENT OR TO IDENTIFY ITS DRIVER. OFFICIALS OF THE 27TH MILITARY ZONE, TO WHICH THE VEHICLE ALLEGEDLY BELONGED, HAVE DENIED OWNERSHIP. IT APPEARS THAT A GREAT DEAL OF EXPENSIVE INVESTIGATION MAY BE NECESSARY EVEN TO DETERMINE AGAINST WHOM A CLAIM FOR DAMAGES COULD BE MADE, WHICH PROBABLY EXPLAINS THE ATTORNEYS' RELUCTANCE TO TAKE THE CASE. AS YOU NO DOUBT KNOW, THE EMBASSY ITSELF HAS NO AUTHORITY TO REPRESENT PRIVATE U.S. CITIZENS AS LEGAL COUNSEL IN PRIVATE CLAIMS. IF MR. TOMASIK IS UNSUCCESSFUL IN FINDING AN ATTORNEY TO PURSUE THE MATTER FOR HIM, HE MAY HAVE TO FOLLOW THE UN-

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SPOKEN ADVICE OF THOSE HE HAS CONSULTED THAT HE HAS LITTLE OR NO CHANCE OF SECURING ANY SATISFACTION.

I AM VERY SORRY NOT TO BE ABLE TO BE OF ASSISTANCE IN THIS MATTER, BUT PLEASE DO NOT HESITATE TO CALL UPON ME IF YOU BELIEVE I CAN BE OF HELP IN ANY OTHER WAY.

THOMPSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 feb 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Number:** 1978MEXICO02845  
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**Document Unique ID:** 00  
**Drafter:** n/a  
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**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Original Classification:** UNCLASSIFIED  
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**TAGS:** CASC, (TOMASIK, THEODORE)  
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